

Washington, Thursday, December 24, 1959

# Title 5—ADMINISTRATIVE **PERSONNEL**

Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE **COMPETITIVE SERVICE** 

#### Franklin Delano Rocsevelt Memorial Commission

Effective upon publication in the Feb-ERAL REGISTER § 6.165(a) is added to Schedule A as set out below.

#### § 6.165 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

> United States Civil Serv-ICE COMMISSION, WM. C. HULL, Executive Assistant.

[F.R. Doc. 59-10909; Filed, Dec. 23, 1959; 8:45 a.m.]

## Title 7—AGRICULTURE

Chapter VIII--Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER G-DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.122]

#### PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### Proportionate Shares for Farms-1960 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 850.122 Proportionate shares farms in the domestic beet sugar area.

(a) Definitions. For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(2) "Deputy Administrator" means the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U.S. Department of Agriculture.
(3) "Director" means the Director of

the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture.

(4) "State Committee" means the persons in a State designated by the Secretary of Agriculture as the Agricultural Conservation and Stabilization State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(5) "County Committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(6) "Operator" means the person (or persons) who controls and directs the sugar beet operations on the farm and who bears the major portion of the risk of financial loss or gain resulting from

such operations.
(7) "Farm" shall have the meaning set forth in Part 822 of this chapter.
(8) "Producer" shall have the mean-

ing set forth in section 101(k) of the act.

(9) "Old Producer" means the operator of a farm for which a 1960-crop base is established pursuant to paragraph (i) of this section.

(10) "New Producer" means the operator of a farm for which a 1960-crop base may not be established pursuant to the provisions of paragraph (i) of this section, or if the context indicates, the term "new Producer" shall have the meaning which has been applied under the previous years' proportionate share determinations referred to in the text.

(11) "Accredited acreage" for any crop year means the proportionate share acreage of sugar beets which was either harvested for the extraction of sugar or

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ments; § 13.205 Scientific or other relevant facts; § 13.225 Services.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Transcontinental Clearing House, Inc., et al., Chicago, Ill., Docket 7146, October 20, 1959]

In the Matter of Trans-Continental Clearing House, Inc., a Corporation, and William G. Dudley and William Bodemer, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging a Chicago concern with using a variety of deceptive representations to obtain advance fees for advertising real estate and with failing to make promised refunds when it failed to sell the property.

Complaint counsel's appeal from the initial decision was granted by the Commission which directed modification thereof and on October 20 adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Trans-Continental Clearing House, Inc., a corporation, and its officers, and respondents, William G. Dudley and William Bodemer, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of the listing for sale and advertising of business properties or other properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by intolication:

1. That respondents have available prospective buyers who are interested in the purchase of specific properties;

2. That property listed with respondents will be sold as a result of their efforts:

3. That property sought to be listed is underpriced or that the asking price should be raised, unless such is the fact;
4. That respondents' sales representa-

tives are bonded or insured;

5. That respondents will finance or assist in financing the purchase of listed property;

6. That the listing fee or any other amount paid by the property owner will be refunded, unless refunds are in fact made by respondents in strict accordance with such representation;

7. That property listed with respondents will be nationally advertised in newspapers, financial or business publications, by radio or television broadcasts, through real estate brokers associated with respondents, or by any other means.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Trans-Continental Clearing House, Inc., William G. Dudley and William Bodemer, shall, within sixty (60) days

after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: October 20, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary.

[F.R. Doc. 59-10921; Filed, Dec. 23, 1959; 8:46 a.m.]

### Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS
PART 161—RIGHTS-OF-WAY OVER
INDIAN LANDS

#### Permission To Survey and Commence Construction

Section 161.4 is amended to permit the substitution of a surety bond in lieu of a cash deposit to accompany an application for a right of way. Such bond may also serve as surety to accompany other applications, if adequate in amount.

Section 161.5 is amended to permit a similar substitution to cover estimated damages occasioned by construction.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. However, any delay in publication of this regulation will only result in hardship to the persons intended to be benefited.

The amendments to the regulation become effective at the beginning of the calendar day on which they are published in the Federal Register.

ELMER F. BENNETT, Acting Secretary of the Interior.

DECEMBER 17, 1959.

Section 161.4 is amended to read as follows:

#### § 161.4 Permission to survey.

Anyone desiring to obtain permission to survey a right-of-way upon and across restricted lands must file a written application therefor with the Superintendent. The application shall adequately describe the proposed project, and it shall be accompanied by the written consent of the landowners as required by § 161.3, by satisfactory evidence of the good faith and financial responsibility of the applicant, and by a check or money order of sufficient amount to cover double the estimated damages which may be sustained as a result of the survey. With the approval of the Superintendent, a surety bond may be substituted in lieu of a check or money order accompanying an application. Such bond may serve as surety to accompany other applications by the same applicant made under this section, if adequate in

amount. An application filed by a corporation must be accompanied by proof of corporate existence and of compliance with State laws entitling the applicant to operate in the State in which the restricted land is situated. An application filed by an unincorporated partnership or association must be accompanied by a certified copy of the articles of partnership or association, or if there be none, this fact must be stated over the signature of each member of the partnership or association. If the applicant has previously filed with the Department an application accompanied by the evidence required in this section, a reference to the date and place of such filing, accompanied by proof of current financial responsibility and good faith, will be sufficient. Upon receipt of an application made in compliance with the regulations of this part, the Superintendent may grant the applicant written permission to survey.

Section 161.5 is amended to read as follows:

#### § 161.5 Permission to commence construction.

Subject to the provisions of § 161.3, permission to proceed with construction work on a right-of-way may be granted by the Superintendent at the same time or after permit to survey is issued and before full compliance is made with the regulations in this part, provided the applicant deposits with the Superintendent in advance such amount, in addition to that deposited in accordance with § 161.4, or increases the surety bond in such amount, as will be sufficient to equal twice the estimated damages which may result from the survey and construction, and agrees in writing to comply promptly with the regulations in this part. The amount of the deposit, if the applicant is an agency of the Federal or of a State Government, will be a sum to cover only the estimated damages whenever it be shown to the satisfaction of the Superintendent that the funds of the applicant are not available for the deposit of the greater amount. Each deposit shall be held in a "special deposit" account until the actual damages have been determined and the application for the right-of-way has been approved .

[F.R. Doc. 59-10923; Filed, Dec. 23, 1959; 8:46 a.m.]

### Title 29—LABOR

Chapter V—Wage and Hour Division,
Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

Application of Exemption To Liquefied-Petroleum-Gas Dealers

After investigation of the sales practices of liquefied-petroleum-gas dealers